

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RACHEL MARIE WHITTED  
(#1212277), aka Ralph Whitted,

Plaintiff

v.

NORTHERN NEVADA DEPARTMENT  
OF CORRECTIONS, *et al.*,

Defendants

Case No. 3:20-cv-00672-MMD-CLB

**ORDER**

**I. DISCUSSION**

On December 2, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted a fully complete application to proceed *in forma pauperis* on this Court’s approved form or a Financial Certificate and an inmate account statement for the previous six-month period. Accordingly, the Court denies Plaintiff’s application to

1 proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is  
2 incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete  
3 application to proceed *in forma pauperis* containing all three of the required documents.  
4 Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before  
5 **February 2, 2021**. Absent unusual circumstances, the Court will not grant any further  
6 extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma*  
7 *pauperis* with all three required documents on or before **February 2, 2021**, this case will  
8 be subject to dismissal without prejudice for Plaintiff to file a new case with the Court  
9 when Plaintiff is able to acquire all three of the documents needed to file a fully complete  
10 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

11 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
12 case with the Court, under a new case number, when Plaintiff has all three documents  
13 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
14 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
15 full filing fee of \$402 on or before **February 2, 2021** to proceed with this case.

16 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
17 will not file the complaint unless and until Plaintiff timely files a fully complete application  
18 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 19 **II. CONCLUSION**

20 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
21 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
22 application to proceed *in forma pauperis* with all three documents.

23 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
24 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
25 document entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that on or before **February 2, 2021**, Plaintiff will either  
27 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
28 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
2 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
3 signatures on page 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
5 official (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
7 **previous six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
9 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
10 filing fee for a civil action on or before **February 2, 2021**, this case will be subject to  
11 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
12 number, when Plaintiff has all three documents needed to file a complete application to  
13 proceed *in forma pauperis* or pays the the full \$402 filing fee.

14 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
15 (ECF No.1-1) but will not file it at this time.

16 DATED: December 7, 2020

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UNITED STATES MAGISTRATE JUDGE